

Joe Shaeffer, WSBA #33273
MacDonald Hoague & Bayless
On behalf of The American Civil Liberties
Union of Washington Foundation
705 Second Avenue, Suite 1500
Seattle, WA 98104-1745
206-622-1604

Katherine M. Forster, CA Bar #217609
Munger Tolles & Olson LLP
350 South Grand Avenue, 50th Floor
Los Angeles, CA 90071
(213) 683-9538

Honorable Thomas O. Rice

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON AT RICHLAND

JOHN DOE 1; JOHN DOE 2; JANE DOE
1; JANE DOE 2; JANE DOE 3; and all
persons similarly situated,

Plaintiffs,

v.

WASHINGTON STATE DEPARTMENT
OF CORRECTIONS; CHERYL
STRANGE, Secretary of The Department
of Corrections, in her official capacity,

Defendants.

NO. 4:21-cv-05059-TOR

[PROPOSED] ORDER GRANT-
ING PLAINTIFFS' MOTION
FOR CONTEMPT OF COURT

[PROPOSED] ORDER

The Court has considered all papers filed in connection with Plaintiffs'
Motion for Contempt of Court.

[PROPOSED] ORDER GRANTING PLAINTIFFS' AMERICAN CIVIL LIBERTIES UNION OF
MOTION FOR CONTEMPT OF COURT WASHINGTON FOUNDATION
NO. 4:21-CV-05059-TOR

P.O. Box 2728
SEATTLE, WA 98111
(206) 624-2184

IT IS HEREBY ORDERED as follows:

1. Defendants are in contempt for violation of the Court's Temporary Restraining Order (ECF No. 22) and Preliminary Injunction (ECF No. 70);
2. Within 30 days, Defendants' counsel must certify to the Court a list of each and every violation of the TRO and Preliminary Injunction by Defendants, all steps taken by Defendants' counsel to identify those violations, and produce the underlying production installment containing each violation to Plaintiffs' counsel and to the Court;
3. Defendants must immediately implement quality assurance review of all records prior to their release by a supervisor of the Public Records Unit, which must include a page-by-page review and an OCR text search of all records ready for release for at least the following terms: "transgender," "gender," "GD," "02-384," "02-385," "02-420," "HRT," "hormone," "PREA," "sex," and "rape";
4. Within 30 days, and every 30 days thereafter, Defendants must certify to the Court that the Public Records Unit supervisors performed the quality assurance review as required and that the outgoing records do not violate the Preliminary Injunction;
5. Within 30 days, Defendants must develop and implement eight hours of training on compliance with the Preliminary Injunction for all staff responsible for the withholding or quality assurance review of records in response to Public Records Act requests. Defendants must then implement proficiency testing covering the scope of the Preliminary Injunction for all staff responsible for the withholding of records in response to Public Records Act requests, and no staff member may be permitted to respond to records requests without first attending the training and then passing the proficiency testing;
6. Defendants must notify Plaintiffs' counsel within three business days of any future discovery of releases in violation of the Preliminary Injunction;
7. Defendants must pay a penalty of \$10,000 per day, payable to the Court, until Defendants file a declaration, signed under penalty of

1 perjury by the Secretary of the Washington Department of Correc-
2 tions, stating the following: (1) Defendants' counsel has made the
3 certification identified in Paragraph 2 above; (2) Defendants have
4 implemented the quality assurance review identified in Paragraph 3
5 above; (3) Defendants have made the initial certification required in
6 Paragraph 4 above; and (4) Defendants have implemented the train-
7 ing and testing identified in Paragraph 5 above;

- 8
9
10
11 8. Defendants must pay Plaintiffs costs and reasonable attorneys' fees
12 incurred in bringing this motion.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
IT IS SO ORDERED.

DATED this _____ day of _____, 2023

Honorable Thomas O. Rice
UNITED STATES DISTRICT JUDGE

Presented by:

MacDONALD HOAGUE & BAYLESS

Respectfully submitted,

MacDonald Hoague & Bayless

By: s/ Joe Shaeffer

Joe Shaeffer, WSBA #33273

joe@mhb.com

Attorneys for Plaintiffs

On behalf of The American Civil Liberties Union of Washington Foundation

705 Second Avenue, Suite 1500

Seattle, WA 98104

Tel: 206.622.1604

Fax: 206.343.3961

Munger, Tolles & Olson LLP

By: s/ Katherine M. Forster

Katherine M. Forster, CA Bar

#217609

Pro Hac Vice

Katherine.Forster@mto.com

Attorneys for Plaintiffs

350 South Grand Avenue, 50th Floor

Los Angeles, CA 90071

Tel: 213.683.9538

Fax: 213.593.2838